

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:21-cv-134-KDB**

MARK CHRISTOPHER RAMSEY,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER

THIS MATTER is before the Court *sua sponte*.

The Plaintiff is seeking review of a final determination denying a claim under the Social Security Act. See (Doc. No. 1). On October 5, 2021, the Court entered an Order denying Plaintiff's Amended Application to Proceed in District Court Without Prepaying Fees or Costs without prejudice to pay the filing fee or file a second Amended Application within 20 days. (Doc. Nos. 3, 4). The Court cautioned Plaintiff that the failure to comply would result in this case's dismissal and closure without further notice. (Id.).

The Plaintiff failed to pay the filing fee or file a second Amended Application and the time to do so has expired. Therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

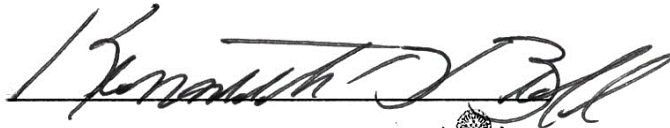
IT IS, THEREFORE, ORDERED that:

1. This action is **DISMISSED** without prejudice for Plaintiff's failure to comply with

the Court's October 5, 2021 Order.

2. The Clerk of this Court is directed to close this case.

Signed: October 28, 2021

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

